

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

| | | |
|------------------------------|---|---------------------------|
| PETER LYoya, AS PERSONAL |) | |
| REPRESENTATIVE OF THE ESTATE |) | |
| OF PATRICK LYoya, DECEASED, |) | |
| Plaintiff, |) | |
| |) | No. 1:22-cv-1160 |
| v. |) | |
| |) | Honorable Paul L. Maloney |
| CHRISTOPHER SCHURR, |) | |
| Defendant. |) | |
| |) | |

ORDER

Plaintiff filed his original complaint on December 7, 2022. (ECF No. 1). After Plaintiff filed an amended complaint, defendants moved to dismiss. (ECF Nos. 17, 18). The court granted the City of Grand Rapids' motion to dismiss but denied Christopher Schurr's motion to dismiss. (ECF No. 39). Thereafter, defendant Schurr appealed this court's decision on September 27, 2023. (ECF No. 40). The circuit resolved defendant's appeal, and the mandate issued on October 29, 2024. (ECF No. 49). Defendant Schurr has yet to file an answer.

Federal Rule of Civil Procedure 12(a)(4)(A) provides that if a court denies a motion brought under Rule 12, the "responsive pleading must be served within 14 days of notice of the court's action." Defendant Schurr has not yet filed an answer, and several months have passed since the mandate was issued. Accordingly, the court will order defendant Schurr to file an answer.

IT IS HEREBY ORDERED that defendant Schurr must file an answer within fourteen (14) days of the date of this order.

IT IS SO ORDERED.

Date: February 10, 2025

/s/ Paul L. Maloney

Paul L. Maloney

United States District Judge